

Paper 35

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,308

SMITHKLINE BEECHAM CORPORATION
(6,518,399),
Junior Party,

v.

**BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM,
UNITED STATES OF AMERICA,¹ MERCK FROSST CANADA & Co., AND MERCK & Co.
(09/601,582),
Senior Party.**

Entered: 13 February 2006

Judgment - Bd. R. 127(b) - Requested

Before SCHAFFER, TORCZON, and MOORE, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

1 The senior party has requested (Paper 33) "that adverse judgment be entered
2 against it in the present Interference as to all of the claims designated as corresponding
3 to the Count". The request is GRANTED.

4 HELD that judgment be entered against the senior party;

5 FURTHER HELD that the senior party not be issued claims for the subject matter
6 of the count, specifically including 09/601,582 claims 1, 4, 5, and 7, which correspond
7 to the count; and

¹ As represented by the Secretary for the Department of Health and Human Services.

1 FURTHER HELD that a copy of this decision be entered in the administrative
2 records of the 09/601,582 patent application and the 6,518,399 patent.

/Richard E. Schafer/
Administrative Patent Judge

/Richard Torczon/
Administrative Patent Judge

/James T. Moore/
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc (via electronic mail):

For Smithkline Beecham Corp.: **Gerald M. Murphy, Jr. and MaryAnne Armstrong**,
BIRCH, STEWART, KOLASCH & BIRCH, LLP, of Falls Church, Virginia.

For Board of Regents of the University of Texas System, the United States of America,
Merck Frosst Canada & Co., and Merck & Co.: **Robert A. Hodges and Tina W.
McKeon**, NEEDLE & ROSENBERG, P.C., of Atlanta, Georgia.

Notice: Agreements and understandings regarding the termination of an interference
are subject to filing requirements under 35 U.S.C. 135(c).

Notice: In the event of judicial review, note the requirements of Bd. R. 8(b).

Townes, Yolunda

From: Townes, Yolunda on behalf of Interference Trial Section
Sent: Monday, February 13, 2006 3:26 PM
To: 'Hodges, Robert (NEEDLE & ROSENBERG)'; 'Mailroom (BIRCH STEWART)'; 'Mailroom (BIRCH STEWART)'; 'McKeon, Tina (NEEDLE & ROSENBERG)'
Subject: Interference #105308_035 - Judgment-Bd.R. 127(b)-Requested